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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,788	03/22/2004	Gregory G. Way	9700-11	2368
29941	7590	11/16/2007		
GLENN C. BROWN, PC 777 NW WALL STREET, SUITE 308 BEND, OR 97701			EXAMINER BATURAY, ALICIA	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,788

Applicant(s)

WAY, GREGORY G.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 1, lines 19-21 and on page 5, lines 20-21. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
3. The disclosure is objected to because of the following informalities: on page 3, lines 21-22 state "The following block diagram expanding on Diagram (1) shows a typical process that creates 1 Spam for millions of Internet users." It is not known what Diagram (1) is referring to. Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: lines 10-12 state "temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email *is* an approved email source." It is thought that Applicant meant to write "temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email *is not* an approved email source." Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Lindeman et al. (U.S. 2003/0009698).

7. With respect to claim 1, Lindeman teaches a method of screening email comprising the steps of:

Providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received

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responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindeman and further in view of Spear (U.S. 2003/0149726).

Lindeman teaches the invention substantially as claimed including a method and system for filtering spam is disclosed. The present invention is directed at filtering spam. Generally, whenever a message is first received from an unapproved sender, a confirmation request email is sent to the sender's email address requesting the sender to confirm its existence and identity. Spammers typically don't receive, and can't handle reply emails. Therefore, until the unapproved sender replies to the confirmation request email, electronic messages received by the unapproved sender are treated as spam. An inclusion list of senders is maintained by the spam filter that includes a list of approved senders. Electronic messages from approved

senders are not treated as spam, and are immediately delivered to the user. Generally, a database of valid source addresses for a user is maintained either on the user's computing device or on a mail server, depending upon the specific application (see Abstract).

10. With respect to claim 2, Lindeman teaches the invention described in claim 1, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Spear teaches the method further comprising: inserting a first predetermined series of characters in the authenticating email header of the authenticating email (Kirsch, col. 11, lines 1-26), and, wherein the step of comparing the source of the reply to the source of the incoming email message including the step of determining if the reply email header includes the first predetermined series of characters (Kirsch, col. 8, lines 45-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

11. With respect to claim 3, Lindeman teaches the invention described in claim 2, including the method further comprising:

The authenticating email having a subject box; inserting a second predetermined series of characters in the authenticating email subject box; and, determining if the reply email includes a subject box containing the second predetermined series of characters (Lindeman, page 6, paragraph 106).

12. With respect to claim 4, Lindeman teaches the invention described in claim 1, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email

messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Spear teaches the method wherein the step of comparing the source of the reply to the source of the incoming email message further comprises: comparing the email header field of the incoming email message to the email header of the reply (Kirsch, col. 11, lines 1-26); delivering the incoming email to the email address for receiving incoming email if a predetermined number of the reply email header fields and the incoming message fields match (Kirsch, col. 8, lines 48-53); and, rejecting the incoming email if less than a

predetermined number of the reply email header fields and the incoming message fields match (Kirsch, col. 8, lines 45-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

13. With respect to claim 5, Lindeman teaches the invention described in claim 4, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message

(Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Spear teaches the method wherein the email header fields are selected from the group consisting of the return-path field, the reply-to field, the X-sender field, the FROM field, the X-mailer field, the message-ID field, and the connecting IP address field (Kirsch, col. 1, line 60 - col. 2, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

14. With respect to claim 6, Lindeman teaches the invention described in claim 4, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved

email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Kirsch teaches the method wherein the predetermined number of email header fields is at least 2 (Kirsch, col. 1, line 60 - col. 2, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

15. With respect to claim 7, Lindeman teaches the invention described in claim 4, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address;

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identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Kirsch teaches the method wherein the predetermined number of email header fields is at least 3 (Kirsch, col. 1, line 60 - col. 2, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

16. With respect to claim 8, Lindeman teaches the invention described in claim 4, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Kirsch teaches the method wherein the predetermined number of email header fields is at least 4 (Kirsch, col. 1, line 60 - col. 2, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers

for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

17. With respect to claim 9, Lindeman teaches the invention described in claim 4, including a method of screening email comprising the steps of: providing an email address for receiving incoming email; providing a list of approved email sources that are authorized to send email messages to the email address; receiving an incoming email addressed to the email address; identifying the source of the incoming email message; delivering the incoming email message to the email address if the source is an approved email source (Lindeman, page 5, paragraph 83); temporarily blocking delivery of the email to the receiving address and storing the incoming email message if the source of the incoming email is not an approved email source (Lindeman, page 2, paragraphs 46 and 48); sending an email to the source of the blocked email message requesting authentication of the source by entry of a reply command by the source (Lindeman, page 5, paragraphs 84 and 85); if no reply is received to the source authorization request, rejecting the temporarily stored incoming email message (Lindeman, page 2, paragraphs 46 and 48); if a reply is received responsive to the source authorization request, comparing the source of the reply to the source of the incoming email message (Lindeman, page 5, paragraph 86); and, if the source of the reply is the same as the source of the incoming email, delivering the incoming email to the email address (Lindeman, page 6, paragraph 103).

Lindeman does not explicitly teach the use of email headers for authentication.

However, Kirsch teaches the method wherein the predetermined number of email header fields is at least 5 (Kirsch, col. 1, line 60 - col. 2, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lindeman in view of Spear in order to enable the use of email headers for authentication. One would be motivated to do so in order to provide an active challenge system that has a high degree of accuracy in identifying unsolicited commercial email (UCE).

18. With respect to claim 10, Lindeman teaches the invention described in claim 4, including the method wherein the first predetermined series of characters in the authenticating email header of the authenticating email comprises "sourceauthentication:" (Lindeman, page 6, paragraph 106).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
November 8, 2007


PHILIP TRAN
PRIMARY EXAMINER